

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 19, 2002
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:11 a.m. The meeting was recessed by Mayor Murphy at 12:02 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. with Council Member Madaffer not present. Mayor Murphy recessed the meeting at 3:38 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:46 p.m. with Council Member Madaffer not present. Mayor Murphy recessed the regular meeting at 4:03 p.m. to convene the Special Joint Council Meeting with the Redevelopment Agency. Mayor Murphy reconvened the regular meeting, with Council Member Madaffer not present, to meet simultaneously with the Redevelopment Agency at 4:06 p.m. Mayor Murphy recessed the regular meeting to convene as the Housing Authority at 5:35 p.m. Mayor Murphy reconvened the meeting at 5:36 p.m. with Council Member Madaffer not present. Mayor Murphy adjourned the meeting at 5:42 p.m. into closed session to discuss pending litigation and potential negotiations.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer- Excused by R-296173 due to attendance to other City business
- (8) Council Member Inzunza-present

Clerk-Abdelnour/Fishkin (gs/ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Al Strohlein regarding City departments non-responsiveness to several letters that he sent, pertaining to various issues. Mr. Strohlein also commented that not all City departments have acted in this manner. Some departments have been and continue to be very helpful.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A021-050.)

PUBLIC COMMENT-2:

Comment by Don Stillwell regarding property taxes that the Redevelopment Agencies divert. Mr. Stillwell stated that the Redevelopment Agencies must first incur debt in order to divert property taxes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A051-089.)

PUBLIC COMMENT-3: **REFERRED TO CITY MANAGER**

Comment by Cynthia Conger regarding the increase density and how it is not balanced throughout the City. Ms. Conger also commented on the shortage of an elementary school at NTC, and certain projects being brought to the Planning Commission without approval of the Planning Board.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A090-129.)

PUBLIC COMMENT-4:

Comment by Richard Vera regarding affordable housing for CAL Works families. Mr. Vera stated they are associated with Comprehensive Training Systems as mentors. In spite of the job training, adult basic education, vocational training and counseling, the problem is still affordable housing availability for these individuals.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A130-176.)

PUBLIC COMMENT-5:

Comment by Mel Shapiro regarding the homeless shelter being declared closed in spite of the temperatures still being in the forties. Mr. Shapiro stated that he couldn't understand how the funds ran out when the Housing Commission is building a new office building.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A177-216.)

PUBLIC COMMENT-6:

Comment by Kathleen Blavatt, on behalf of Save Our NTC, regarding several issues in the Point Loma area. Ms. Blavatt pointed out her concerns with NTC being established as a red zone, Navy families needing a school and two pending lawsuits.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A217-262.)

PUBLIC COMMENT-7:

Comment by Bert Decker regarding military housing and military problems. Mr. Decker expressed concerns in the need of an elementary school at NTC, the dangers of children crossing Rosecrans Street, and the bay-to-bay canal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A263-311.)

PUBLIC COMMENT-8:

Comment by Bill Bradshaw regarding the importance of public safety at our local beaches. Mr. Bradshaw announced that San Diegans for Safe Beaches will now attempt to join the Town Councils and seek from Council substantial new resources to deal with the chronic problems at our beaches.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A312-352.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Wear regarding transportation issues and the possibilities of new innovative changes. Mr. Wear continues to be a strong advocate of an elementary school at NTC. Mr. Wear announced he is excited about the new Point Loma Library which shows the pattern of redevelopment as a good thing.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A392-455.)

COUNCIL COMMENT-2:

Comment by Council Member Frye stating that it was the last day of winter and wished everyone a happy spring.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A456-476.)

COUNCIL COMMENT-3

Mayor Murphy acknowledged the great work done by Carolyn Wormser, of Public Events, and on her receiving the 2001 Gold Key Award.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A380-391.)

CITY ATTORNEY COMMENT:

Comment by City Attorney Gwinn regarding some of the legal issues surrounding the Mount Soledad cross. City Attorney Gwinn stated on Thursday he would be representing the City of San Diego on this case in the Ninth Circuit Court of Appeals in Phoenix, Arizona. Mr. Gwinn announced that the Mount Soledad cross litigation began 13 years ago. The Court has issued a variety of rulings over the years. The property has since been sold to a non-profit organization to be used for some type of memorial.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A477-549.)

CITY MANAGER COMMENT:

Comment by City Manager Uberuaga regarding the 2001 Gold Key Awarded to Carolyn Wormser. Mr. Uberuaga wanted to recognize her achievements in working on a number of public events.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A353-379.)

ITEM-330: Accepting California Coastal Commission Suggested Modifications to Floodplain Regulations Adopted As Part Of The Second Update To The Land Development Code.

Matter of approving, conditionally approving, modifying or denying the Second Quarterly Update to the Land Development Code.

(See City Manager Report CMR-02-045. City-Wide.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolution in Subitem B:

Subitem-A: (O-2002-82) CONTINUED TO TUESDAY, APRIL 9, 2002

Introduction of an Ordinance amending Chapter 6, Article 2, Division 4, of the San Diego Municipal Code by repealing Section 62.0423; amending Chapter 11, Article 3, Division 1, by amending Section 113.0103; amending Chapter 12, Article 6, Division 4, by amending Section 126.0402; Division 5, by amending Sections 126.0502 and 126.0504; and Article 9, Division 6, by amending Section 129.0602; amending Chapter 13, Article 1, Division 2, by amending Section 131.0205; Division 3, by amending Section 131.0322; amending Chapter 14, Article 2, Division 1, by amending Section 142.0135; and Division 2, by amending Section 142.0230; amending Article 3, Division 1, by amending Sections 143.0110, 143.0111, 143.0130, 143.0145, by adding Section 143.0146, and by amending Section 143.0150, all relating to the Land Development Code Floodplain Regulations.

Subitem-B: (R-2002-998) CONTINUED TO TUESDAY APRIL 9, 2002

Adoption of a Resolution accepting California Coastal Commission suggested modifications for certification of Local Coastal Program amendments to the Floodplain Regulations of the Land Development Code.

OTHER RECOMMENDATIONS:

Planning Commission on September 28, 2000, voted 5 - 0 to recommend to the City Council that they approve the amendments to Council Policy 600-14 and the LDC Floodplain Regulations, and approval of the amendments to the Telecommunications Facilities Regulations, (including the addendum read into the record by staff regarding

Flood Plain Regulations), and direct staff to clarify when telecommunications facilities are proposed to be located in the public-right-of-way, adjacent to, or within 100 feet of residentially zoned or residential uses (part of a mixed use development), they be permitted with a neighborhood use permit; no opposition.

Ayes: Butler, Anderson, Steele, Brown, Stryker

Not Present: Skorepa, White

CITY MANAGER SUPPORTING INFORMATION:

On January 8, 2001, the City Council adopted Ordinance 18910 approving amendments to the Land Development Code (LDC) as part of the Second LDC Update. The amendments were then submitted to the California Coastal Commission for certification as part of the City of San Diego's Local Coastal Program.

On March 14, 2001, the California Coastal Commission approved several of the proposed changes as de minimus Local Coastal Program (LCP) Amendments. The remaining amendments, that did not qualify as de minimus, were approved by the Coastal Commission on May 8, 2001 with the exception of the floodplain regulations. The Coastal Commission staff requested additional information and clarification on the proposed amendments, specifically related to allowable uses within floodways and floodplains and procedures for notifying the Coastal Commission when FEMA adopts map changes.

On August 7, 2001, the Coastal Commission held a hearing to consider the amendments to the floodplain regulations proposed by the City of San Diego as well as suggested modifications to the amendments proposed by Coastal Commission staff. No action was taken at the hearing and the item was granted a time extension. Since the August hearing City staff met with Coastal Commission staff to resolve the outstanding issues pertaining to the allowable uses in floodplains and the notification procedures for map changes made by FEMA.

On October 12, 2001, the Coastal Commission approved the amendments to the LDC floodplain regulations with six modifications made by Coastal Commission staff. Three of the six modifications are minor and are intended to clarify terminology and references. Two of the modifications are intended to further restrict three land uses in agricultural zones within the Coastal Overlay Zone. Residential Care Facilities, Transitional Housing, and Bed and Breakfast Establishments will be prohibited in agricultural zones within Special Flood Hazard Areas. The last modification establishes a process for the City Engineer to notify the Coastal Commission staff of changes to FEMA's Flood Insurance Rate Maps. Attachment 1 [to City Manager's Report] includes a strikeout/underline version of the Coastal Commission's approved changes.

ENVIRONMENTAL IMPACT:

Action on adopting the modifications to the Floodplain Regulations is categorically exempt from CEQA pursuant to the State Guidelines Section 15061(b)(3).

Ewell/Christiansen/BM

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A550-581.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, APRIL 9, 2002 FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Torrey Highlands.

Matter of approving, conditionally approving, modifying or denying a Vesting Tentative Map, Planned Development and Site Development Permit and Multiple Habitat Planning Area (MHPA) Boundary Adjustment No. 40-0315 and the subdivision of a 79.02 acre site zoned AR-1-1 into 20-lots with 19-lots for development of industrial, commercial and open use on 27.66 acres through a rezone to the IP-2-1, CR-2-1 and OC-1-1 zones. The 51.36 acre 20th lot will remain zoned AR-1-1 and be a remainder parcel with no development rights extended by this action. The site is located on the west side of Camino Ruiz and south side of State Route 56 within the Torrey Highlands Subarea IV Plan area.

(VTM/PDP/SDP/MHPA/RZ-40-0315. Torrey Highlands Subarea IV Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; adopt the resolution in subitem B to grant the map; adopt the resolution in subitem C to grant the permits and MHPA Boundary Adjustment; and introduce the ordinance in subitem D:

Subitem-A: (R-2002-1155) ADOPTED AS RESOLUTION R-296201

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration, LDR No. 40-0315, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 2100 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 1500 et seq.), that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Torrey Highlands project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-) GRANTED MAP, ADOPTED AS RESOLUTION
R-296202

Adoption of a Resolution granting or denying Vesting Tentative Map, VTM-40-0315, with appropriate findings to support Council action.

Subitem-C: (R-2002-) GRANTED PERMITS, ADOPTED AS RESOLUTION
R-296203

Adoption of a Resolution granting or denying Planned Development Permit/Site Development Permit/Multiple Habitat Planning Area Boundary Adjustment-40-0315, with appropriate findings to support Council action.

Subitem-D: (O-2002-111) INTRODUCED, TO BE ADOPTED TUESDAY, APRIL 9,
2002

Introduction of an Ordinance changing 27.66 acres of a 79.02 acre site, located west of Camino Ruiz and on the north and south sides of State Route 56, Torrey Highlands Subarea IV Planning area, in the City of San Diego, California, from the AR-1-1 zone to the IP-2-1, CR-1-2 and OC-1-1 zones, as defined by San Diego Municipal Code Sections 131.0303, 131.0505, 131.0602 and 131.0203; and repealing Ordinance No. 8858 N.S. (New Series), adopted July 10, 1963, insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on February 7, 2002, voted 5-0 to approve staff recommendations with the deletion of Exhibit 6E of the "Design Guidelines and Development Standards"; no opposition.

Ayes: Anderson, Lettieri, Schultz, Brown, Butler

Abstaining: Garcia

Not present: Stryker

The Planning Commission is the designated planning group for the Torrey Highlands Subarea IV Planning Area.

The adjacent Rancho Penasquitos Planning Board on December 5, 2001, voted 14-0-1 to recommend approval of the project. The Rancho Penasquitos Planning Board was copied on all application materials and staff project assessment letters.

SUPPORTING INFORMATION:

This project proposes to subdivide and develop a 79.02 acre site consisting of a 51.36 acre remainder lot containing the State Route 56 Right-of-Way and ownership of land to the north and the 27.66 acre, 19-lot Planned Site Development area on the south side of SR 56. The developable parcel is located on the southwest corner of SR-56 and Camino Ruiz in the existing AR-1-1 (proposed IP-2-1, CR-1-2 and OC-1-1) zones within the Torrey Highlands Subarea IV Plan area. The project is proposed to be developed with 551,000 square-feet of office and light industrial use subject to the underlying zoning and Design Guidelines and Development Standards adopted. Future review of specific lot development proposals will be subject to a Process 2 review.

The Planning Commission considered this project on February 7, 2002, and voted 5-0, with no public opposition, to recommend that the City Council adopt staff recommendations, as presented in the Planning Commission Report No. P-02-003. The Planning Commission deleted

Figure 6-D from the accompanying "Design Guidelines and Development Standards."

The Planning Commission is the planning group for the Torrey Highlands Subarea IV plan area. The Rancho Penasquitos Planning Board for the community immediately east, voted 14-0-1 on December 5, 2001, to support the project.

The City Manager recommends that the City Council adopt the Resolutions certifying Mitigated Negative Declaration No. 40-0315, and the Mitigation Monitoring and Reporting Program (MMRP), approving Vesting Tentative Map No. 40-0315, approving Planned Development and Site Development Permit and MHPA Boundary Adjustment No. 40-0315 and adopt the Ordinance approving Rezone application No. 40-0315.

FISCAL IMPACT:

All costs associated with the project are recovered from a deposit provided by the applicant.

TRAFFIC IMPACT:

The project is estimated to generate 6,681 average daily trips (ADT), 1,000 of these are estimated to occur on I-15 north of SR-56, which has an estimated near term project volume of 228,000 ADT. Caltrans is planning to widen I-15 to provide 2 additional lanes by 2005. This Planning Area will contribute \$5.9 million for the widening of SR-56 from 4 to 6 lanes, and \$9.5 million for the construction of the SR-56/Camino Ruiz interchange. This project is subject to the Torrey Highlands Subarea IV Transportation Phasing Plan. The Torrey Highlands Employment Center will improve the job/housing balance along SR-56. Project development is expected about the year 2005-2006.

Ewell/Christiansen/RMK

LEGAL DESCRIPTION:

The project site is located south of the future extension of State Route 56, west of the future Camino Ruiz extension in the Torrey Highlands Subarea IV and is more particularly described as Parcel D and Portion of Parcel A of Parcel Map No. 6038.

FILE LOCATION: PERM-Torrey Highlands, 03/19/02 (65)

COUNCIL ACTION: (Tape location: F100-133.)

Hearing began at 3:49 p.m. and halted at 3:54 p.m.

MOTION BY PETERS TO ADOPT THE RESOLUTION IN SUBITEM A; ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE MAP; ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMITS AND MHPA BOUNDARY ADJUSTMENT; AND INTRODUCE THE ORDINANCE IN SUBITEM D. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Determination of the Citywide Vacancy Rate for Residential Rental Units.

Matter of the determination of the Citywide Apartment Vacancy Rate for residential rental units. This determination is required by Municipal Code Section 141.0302 "Companion Units." If the vacancy rate is determined to be less than five percent, the City will continue to accept Conditional Use Permit applications for companion units for one year. Council must take action prior to April 1, 2002.

(Community Plan Areas-All. Districts-Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1118) ADOPTED AS RESOLUTION R-296204

Adoption of a Resolution certifying that the Citywide average vacancy rate for residential rental units in the City of San Diego is determined to be below 5 percent for the calendar year 2001;

That pursuant to the above determination and the provisions of San Diego Municipal Code [SDMC] Section 141.0302, the regulations contained in SDMC Section 141.0302 will be effective from April 1, 2002, to April 1, 2003.

OTHER RECOMMENDATIONS:

Planning Commission on February 7, 2002, voted 5 - 0 to recommend approval; no opposition.

Ayes: Butler, Brown, Anderson, Lettieri, Schultz
Not present: Garcia, Stryker

This is a matter of City-wide effect. On January 22, 2002, an informational report was given as part of a staff report to the Community Planners Committee. No action was requested.

SUPPORTING INFORMATION:

By April 1 of each year, the City Council is required to determine whether the average annual vacancy rate for residential rental units during the preceding calendar year was greater or less than five percent. This determination is required by Municipal Code Section 141.0302 "Development Regulations for Companion Units."

If the vacancy rate is determined to be above five percent for the preceding calendar year, the City will not accept applications for companion units for one year. If the vacancy rate is determined to be below five percent, the City will accept companion unit applications for one year.

For 2001 two independent published sources found the vacancy rate to be substantially below five percent, ranging from 1.6 percent to 2.3 percent.

On February 7, 2002 the Planning Commission found the average annual vacancy rate to be below five percent and forwarded its recommendation to the City Council.

FISCAL IMPACT: None.

Ewell/Goldberg/MP

NOTE: This activity is exempt from CEQA pursuant to Section 15061 (b)(3) of the State CEQA Guidelines.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F134-140.)

Hearing began at 3:55 p.m. and halted at 3:56 p.m.

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Balboa Park Central Mesa Precise Plan Amendment - West Arcade.

Matter of approving, conditionally approving, modifying or denying a plan amendment to the Balboa Park - Central Mesa Precise Plan for the proposed West Arcade Project located in Balboa Park. The amendment, proposed by the Committee of 100, is to allow for the construction of the West Arcade. The proposed West Arcade is the last section of the Prado arcades to be rebuilt by the Committee of 100.

(See City Manager Report CMR-02-051. LDR. No. 41-0536. Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1137) ADOPTED AS RESOLUTION R-296205

Adoption of a Resolution certifying that the information contained in Negative Declaration, LDR No. 41-0536, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 2100 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 1500 et seq.), that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Balboa Park Central Mesa Precise Plan amendment to allow construction of the West Arcade Project;

That the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative declaration is approved;

That the City Clerk is directed to file a Notice of Determination [NOD] with the

Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-1138) ADOPTED AS RESOLUTION R-296206

Adoption of a Resolution authorizing an amendment to the Balboa Park Central Mesa Precise Plan to add construction of the West Arcade at the Prado in Balboa Park.

OTHER RECOMMENDATIONS:

Planning Commission on December 6, 2001, voted 6 - 0 to approve staff's recommendations as amended and recommended by the Historical Resources Board (HRB's letter dated December 5, 2001), along with the deletion of the recommendation to provide an arch opening through the arcade for visibility and fire access to the Globe Theatre (page 286 of the 1992 Precise Plan); no opposition.

Ayes: Anderson, Lettieri, Schultz, Brown, Garcia, Stryker
Not present: Butler

The Balboa Park Committee Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The West Arcade Project is the last section of the Prado arcades to be constructed, located on the northwest side of El Prado/Laurel Street and adjacent to the Museum of Art sculpture garden.

The proposed plan amendments to the Balboa Park Central Mesa Precise Plan will allow for the West Arcade to be built in the Prado area of the park. Page 284, the Prado Streetscape, of the Precise Plan is being modified to graphically show the location of the West Arcade and identify that it will be constructed in the original footprint of the 1915 arcade. Page 286, Old Globe Plaza, is being modified to graphically show the location of the west end of the West Arcade and how it relates to the Old Globe Plaza. Page 290, Plaza de Panama Plan, is being modified to show graphically the location of the east end of the West Arcade and how it relates to the Plaza.

The West Arcade will be a partial reconstruction of the original arcade, based on the original building plans found at the San Diego Central Library. The west end will be considered a new addition due to the Fire Department requirement for an enlarged arch for fire access to the Old Globe. Building materials and colors will be selected based on the original architecture plans.

The proposed landscaping adjacent to the West Arcade will incorporate the original landscape design by maintaining the lawn area and providing a shrub bed adjacent to the arcade. Plant material used in the original landscape will be incorporated into the new design. Coprosma shrubs will be used along the railings and Bignonia and Bougainvillia vines will be planted along the wall of the arcade for color and form.

FISCAL IMPACT: None.

Herring/Van Wanseele/RS

LEGAL DESCRIPTION:

The project site is located between the Museum of Man and the Plaza de Panama, just south of the Sculpture Garden within the area of the Central Mesa of Balboa Park known as the Prado.

FILE LOCATION: LAND-Balboa Park Central Mesa Precise Plan - West
Arcade Project (10)

COUNCIL ACTION: (Tape location: F086-099.)

Hearing began at 3:47 p.m. and halted at 3:48 p.m.

MOTION BY ATKINS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: University of San Diego Lower West Parking Structure - Site No. 11.

Matter of approving, conditionally approving, modifying or denying an application to amend the Master Plan as follows: Master Plan Project Site No. 11 (Lower West Parking Lot) to develop a multi-level parking structure adjacent to and northeasterly of an existing 376 space surface parking lot. The project is sited adjacent to and southerly of Cushman Avenue, easterly of Cushman Place and northerly of Linda Vista Road, on a southwesterly portion of the campus which is generally located north of Linda Vista Road, west of Via Las Cumbres, east of Cushman Avenue and south of Tecolote Canyon Natural Park.

The property is addressed as 5454-5835 Marian Way, and legally described as

Pueblo Lots 287, 288, 294-296; Portions of Pueblo Lots 267, 286, 289, 292, 293, and 297; Blocks 22 and 23; Portions of Blocks 20 and 25; and Lots 1-3, Block 'A,' Silver Terrace, Map No. 434; Parcels 'A' and 'B,' Parcel Map No. 319; and Parcels 1 and 2, Parcel Map No. 7526, in the RS-1-7 (formerly R1-5000), RS-1-3 (R1-15000), RM-1-1 (R-3000), RM-3-7 (R-1000), and C (CC-4-5) Zones.

(See City Manager Report CMR-02-054. MND/MMRP-41-0092/Amend CUP/RPO-92-0568 (USD Master Plan)/CUP/SDP Amendment-41-0092. Linda Vista Community Plan area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; and adopt the resolution in subitem B to grant the permits:

Subitem-A: (R-2002-1156) ADOPTED AS RESOLUTION R-296207

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR No. 41-0092/SCH No. 2001111127 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.); that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Conditional Use Permit/Site Development Permit No. 41-0092, amending USD Master Plan Conditional Use Permit and Resource Protection Ordinance Permit No. 92-0568;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved; that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the

Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-) GRANTED PERMITS, ADOPTED AS RESOLUTION
R-296208

Adoption of a Resolution granting or denying Conditional Use/Site Development Permit No. 41-0092 (Amendment to USD Master Plan Conditional Use Permit and Resource Protection Ordinance Permit No. 92-0568.)

OTHER RECOMMENDATIONS:

Planning Commission on January 24, 2002 voted 5 - 0 to recommend approval to the City Council; no opposition.

Ayes: Garcia, Anderson, Brown, Schultz, Butler

Recusing: Lettieri

Not present: Stryker

The Linda Vista Community Planning Group has recommended approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

The Lower West Parking Complex ("Structure") is located north of and immediately adjacent to the existing 376-space surface parking lot, on an expanded Site No. 11, west of Marian Way in the Linda Vista Community Plan area. The rectangularly-shaped Structure (186' x 334') consists of approximately 230,000 square-feet including five-levels (including roof level) oriented in an east-west configuration similar to the existing surface lot. The Structure is designed to be partially embedded into the hillside in a terraced configuration, with a maximum height of approximately 57' (west elevation), and having a coverage of approximately 62,000-square-feet. Construction materials are proposed to include plaster cement in a tan color tone to match existing campus buildings, with medium taupe contrasting moldings and architectural detailing. Red barrel clay tile roofs will be included with cobalt blue glazed accent tile. Site grading includes 25,000 cubic yards of cut, and 5,000 cubic yards of fill, with 20,000 cubic yards being exported. Resulting fill slopes and retaining walls will be landscaped to reduce visual impacts.

The Structure is intended to accommodate a total of 703 parking stalls on the five levels. A southerly portion of the Structure is located on a northerly portion of the 376-space surface lot, eliminating 69 parking spaces (resulting in 307 surface parking spaces). A total of 1,010 (307 surface +703 Structure) spaces would be provided resulting in a net increase of 634 parking spaces (1,010 - 376). Parking spaces and driveway aisles will conform to City standards.

FISCAL IMPACT:

All costs associated with the processing of this application are paid from a deposit account maintained by the Applicant.

TRAFFIC IMPACT:

Since the subject project is a parking structure and does not generate additional trips, traffic is not impacted by this action.

Ewell/Christiansen/WCT

LEGAL DESCRIPTION:

The project site is located at the University which is located at 5998 Alcala Park and is more particularly described as Lot 1, Map No. 14126, in the Linda Vista Community Planning Area.

FILE LOCATION: PERM-University of San Diego Lower West Parking
Structure - Site No. 11, 03/19/02 (65)

COUNCIL ACTION: (Tape location: D011-034.)

MOTION BY FRYE TO ADOPT THE RESOLUTION IN SUBITEM A; AND ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE PERMITS. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-not present, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-335: Proposed City of San Diego Ethics Ordinance.

(See Charles B. Walker's 2/11/2002 memo.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2002-88 Cor. Copy) CONTINUED TO TUESDAY, APRIL 16, 2002

Introduction of an Ordinance amending Chapter 2, Article 6, of the San Diego Municipal Code by amending Division 1, by repealing Sections 26.0107 and 26.0108; by amending Division 4, Section 26.0413; by amending Chapter 2,

Article 7, by adding Division 35, titled City of San Diego Ethics Ordinance, by adding Sections 27.3501, 27.3502, 27.3503, 27.3510, 27.3520, 27.3521, 27.3522, 27.3525, 27.3526, 27.3530, 27.3550, 27.3551, 27.3560, 27.3561, 27.3562, 27.3563, 27.3564, 27.3570, 27.3571, 27.3572, 27.3573, 27.3580, 27.3581, 27.3582, 27.3583, 27.3588, and 27.3595; by reserving for future use Sections 27.3504 through 27.3509, 27.3511 through 27.3519, 27.3523, 27.3524, 27.3527, 27.3528, 27.3529, 27.3531 through 27.3549, 27.3552 through 27.3559, 27.3565, 27.3566, 27.3567, 27.3568, 27.3569, 27.3574 through 27.3579, 27.3584, 27.3585, 27.3586, 27.3587, and 27.3589 through 27.3594; and by amending Division 40, Section 27.4002, all relating to the City of San Diego Ethics Ordinance, establishing rules of conducts and ethical standards for City officials.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 2/6/2002, RULES voted 4-0 (Councilmembers Wear, Atkins, Stevens and Mayor Murphy voted yea. Councilmember Madaffer not present) to request the Ethics Commission to review the Conflict of Interest Code of all City Boards and Commissions (when they have the time) and to report back to the Rules Committee.

The Committee voted 5-0 (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea) to change the proposed Section 27.3550(b) from three years to one year.

The Committee voted 5-0 (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea) to approve the 2/1/2002 revised draft of the City of San Diego Ethics Ordinance (with the Section 27.3550(b) change noted above) and with no decision on whether or not contributions can be solicited from volunteers serving on City Boards and Commissions (see proposed Section 27.3571) and to forward the same to the full City Council for approval.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A582-C348;D035-F086.)

MOTION BY INZUNZA TO CONTINUE TO TUESDAY, APRIL 16, 2002, FOR FURTHER REVIEW AND CLARIFICATION. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-336: Approving Amendments to the Formation Procedures for the Barrio Logan Redevelopment Project Area.

(See City Manager Report CMR-02-056. Barrio Logan/Harbor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1116) ADOPTED AS RESOLUTION R-296209

Approving proposed amendments to the formation procedures for the Barrio Logan Project Area Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F141-149.)

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-337: North Park Redevelopment Project Ratify PAC Election.

(See City Manager Report CMR-02-055. North Park Redevelopment Project Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1188) ADOPTED AS RESOLUTION R-296210

Ratifying the election results of February 20, 2002, for the Project Area Committee for the North Park Redevelopment Project Area; and authorizing the extension of the Project Area Committee for one year.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F150-157.)

MOTION BY ATKINS TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-338: First Implementation Agreement to DDA with Broadway Tower 655, LLC and Supplement to Environmental Secondary Study.

(See CCDC Report dated 2/14/2002. Columbia Sub Area of the Centre City Redevelopment Project Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1102) ADOPTED AS RESOLUTION R-296211

Certifying that the City Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project (MEIR), the Subsequent Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments, the Environmental Secondary Study for the Proposed Broadway at Kettner Office Building dated July 9, 2001, the Supplement to the Environmental Secondary Study dated September 26, 2001 and the Supplement to the Environmental Secondary Study dated February 7, 2002, with respect to the Disposition and Development Agreement and the Proposed First Implementation Agreement between the Redevelopment Agency of the City of San Diego and Broadway Tower 655, LLC; and making certain findings and determinations regarding environmental impacts of the development.

NOTE: See the Redevelopment Agency Agenda of 3/19/2002 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F158-164.)

MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not
present, Inzunza-yea, Mayor Murphy-yea.

ITEM-339: Proposed Downtown First-Time Homebuyer Program.

(See memorandum from CCDC dated 2/27/2002. Horton Plaza and Centre City
Redevelopment Projects. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1166) ADOPTED AS RESOLUTION R-296212

Determining that the use of funds from Horton Plaza Redevelopment Project's
Low and Moderate Income Housing Fund in the Centre City Redevelopment
Project will be of Benefit to the Horton Plaza Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of 3/19/2002 and the Housing Authority
Agenda of 3/19/2002 for companion items.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G321-H458.)

MOTION BY WEAR TO ADOPT THE RESOLUTION AND TO DIRECT THAT THE
CITY MANAGER AND CCDC WORK WITH THE HOUSING COMMISSION, AND
RETURN TO THE LAND USE AND HOUSING COMMITTEE WITH TWO
PROGRAMS. FIRST, SOME FORM OF A HOUSING-ASSISTANCE PROGRAM
FOR PUBLIC EMPLOYEES, SUCH AS POLICE OFFICERS, FIRE FIREFIGHTERS
AND TEACHERS, FOR THE CITY OF SAN DIEGO; SECOND, THAT A PROGRAM
BE FORMULATED WHICH WOULD INVOLVE MORE THAN JUST DOWNTOWN,
TO INCLUDE AREAS AROUND DOWNTOWN AND THAT THIS SHOULD BE A
MATTER OF POLICY DISCUSSION. IN ADDITION, THAT THE CITY MANAGER
WORK WITH STAFF TO UNDERTAKE A SURVEY OF ALL CITY EMPLOYEES
WHO MIGHT BE INTERESTED IN THE FIRST TIME HOMEBUYER PROGRAM.

ACCEPT MAYOR MURPHY'S REQUEST THAT A REPORT BE PROVIDED IN ONE YEAR TO DETERMINE THE SUCCESS OF THIS PROGRAM AND HOW EFFECTIVE IT IS AND, IN THE MEANTIME, LOOK AT OTHER FIRST-TIME HOMEBUYER PROGRAMS THAT MAY BE STRUCTURED DIFFERENTLY AS TO LOCATION AND POPULATION TARGET. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-nay, Mayor Murphy-yea.

ITEM-340: Findings for the Transitional Housing Program for Displaced Seniors.

(See memorandum from CCDC dated 2/27/2002. Horton Plaza and Centre City Redevelopment Projects. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1169) ADOPTED AS RESOLUTION R-296213

Determining that the use of funds from Horton Plaza Redevelopment Project's Low and Moderate Income Housing Set Aside Funds in the Centre City

Redevelopment Project will be of Benefit to the Horton Plaza Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of 3/19/2002 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F165-169.)

MOTION BY ATKINS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:42 p.m. in honor and the memory of:

Joanne Conroy as requested by Council Member Peters;
Mary Catherine Klose as requested by Council Member Wear;
Charles E. Dornsife as requested by Council Member Maienschein.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H459).